

## PATENT COOPERATION TREATY

T O F

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

COOLEY GODWARD KRONISH  
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## INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

REGISTERED MAIL

Date of mailing (day/month/year)	26/03/2007
Applicant's or agent's file reference BSCI02100WO	<b>PAYMENT DUE</b> within ONE MONTH from the above date of mailing
International application No. PCT/US2007/060581	International filing date (day/month/year) 16/01/2007
Applicant BOSTON SCIENTIFIC SCIMED, INC.	

## 1. This International Searching Authority

- (i) considers that there are 7 (number of) inventions claimed in the international application covered by the claims indicated ~~below~~ on the extra sheet:

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated ~~below~~ on the extra sheet:

- (ii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:

see annex

- (iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid

## 2. The applicant is hereby invited, within the time limit indicated above, to pay the amount indicated below:

EUR 1.615,00 x 6 = EUR 9.690  
Fee per additional invention      number of additional inventions      total amount of additional fees

Or, \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. ☐ Claim(s) Nos. \_\_\_\_\_ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

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ENTERED 4.2.07  
DUE: Search Fees

COOLEY GODWARD KRONISH LLP

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1, 2, 3, 15-20, 21, 22

A stent comprising a drug  
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2. claims: 1, 4-6, 21, 23

A patch comprising a drug  
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3. claims: 1, 7, 8, 21, 24

A microsphere comprising a drug  
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4. claims: 1, 9, 10, 21, 25

A solidifying spray solution comprising a drug  
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5. claims: 1, 11, 21, 26

An injectable gel comprising a drug  
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6. claims: 1, 12, 13, 21, 27

An injectable paste comprising a drug  
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7. claims: 1, 14, 21, 28

An implantable plug comprising a drug  
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This Authority considers that there are 7 inventions covered by the claims indicated as follows:

- I: Claims 1, 2, 3, 15-20, 21, 22 directed to a stent comprising a drug  
II: Claims 1, 4-6, 21, 23 directed to a patch comprising a drug  
II: Claims 1, 7, 8, 21, 24 directed to a microsphere comprising a drug  
IV: Claims 1, 9, 10, 21, 25 directed to a solidifying spray solution comprising a drug  
V: Claims 1, 11, 21, 26 directed to an injectable gel comprising a drug  
VI: Claims 1, 12, 13, 21, 27 directed to an injectable paste comprising a drug  
VII: Claims 1, 14, 21, 28 directed to an implantable plug comprising a drug

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International application No.

PCT/US2007/060581

The reasons for which the inventions are not so linked as to form a single general inventive concept, as required by Rule 13.1 PCT, are as follows:

The technical features of the independent claims 1 and 21 are a carrier and an agent formulated to control inflammation provided on the carrier. Claims 1 and 21 are not novel since the features therein disclosed are already known from the prior art (e.g. WO-A-01/67991). Moreover, the concept of providing a drug on a carrier to control inflammation in order to improve the healing process is also already known from the prior art (e.g. WO-A-01/67991). Therefore, lack of unity a posteriori arises since the above groups of claims are neither linked by novel and inventive features nor by a common inventive concept. In conclusion, the groups of claims define 7 different inventions.

The application, hence does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT.